

REMARKS

The Examiner states: "Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 11/28/00. It is noted, however, that applicant has not filed a certified copy of the French application as required by 35 U.S.C. 119(b)." In response, Applicant asserts that Applicant has previously submitted a certified copy of the French application to the United States Patent and Trademark Office. In a telephonic discussion on 07/31/2006, Examiner Heather Herndon stated that the box indicating that the certified copy of the French application was not filed was incorrectly checked and that corrective action will be taken.

The Examiner rejected claims 1-2 and 7-13 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

The Examiner rejected claim 14 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

The Examiner rejected claims 1-2 and 7-24 under 35 U.S.C. § 102(e) as allegedly being anticipated by Flaherty, John, "Selected Excel Basics, Excel Tips for Efficient Spreadsheet Use", Available: [http://www.bf.rmit.edu.au/quant/Excel/Excel Tips.pdf](http://www.bf.rmit.edu.au/quant/Excel/Excel%20Tips.pdf).

Applicant respectfully contends that Flaherty cannot be used as a reference to reject claims 1-2 and 7-24 under 35 U.S.C. § 102(e), because Flaherty is not a patent or a published patent application. Flaherty is merely information published on an Internet website.

In a telephonic interview held on 08/16/2006 between the Examiner and Applicant's representative, agreement was reached that the Examiner would issue a subsequent non-final office action in which the aforementioned Flaherty reference would not be employed.

Applicant respectfully traverses the § 101 and § 102 rejections with the following arguments.

35 U.S.C. § 101

Claims 1-2 and 7-13

The Examiner rejected claims 1-2 and 7-13 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

The Examiner argues: “Claims 1-2 and 7-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method does not result in a tangible result. The claimed invention as a whole must produce a "tangible" result to have a practical application. The claimed invention recites selecting a range of cells and ordering the cells with a fill-by-sample operation but does not produce a tangible result. The mere filling in of a cell does not produce a tangible result to the user **unless the document or spreadsheet is actually displayed**” (emphasis added).

In response, Applicant has amended claim 1 to display the spreadsheet as suggested by the Examiner to produce a tangible result for claim 1, and also for claims 2 and 7-13 which depend from claim 1.

Based on the preceding arguments, Applicant respectfully requests that the rejection of claims 1-2 and 7-13 under 35 U.S.C. § 101 be withdrawn.

Claim 14

The Examiner rejected claim 14 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

The Examiner argues: “Claim 14 is rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. The claim recites a computer program that is not being tangibly embodied in a manner so as to be executable and is software per se. The claim has no category of invention and has no way to realize function. The claim is directed to an abstract idea, and directed solely to non-functional descriptive material. The claimed invention recites selecting a range of cells and activating a fill-by-sample operation but does not produce a tangible result.”

In response, Applicant has amended claim 1 to display the spreadsheet as suggested by the Examiner to produce a tangible result for claim 1, and also for claim 14 which depends from claim 1.

Based on the preceding arguments, Applicant respectfully requests that the rejection of claim 14 under 35 U.S.C. § 101 be withdrawn.

35 U.S.C. § 102(e)

The Examiner rejected claims 1-2 and 7-24 under 35 U.S.C. § 102(e) as allegedly being anticipated by Flaherty, John, "Selected Excel Basics, Excel Tips for Efficient Spreadsheet Use", Available: http://www.bf.rmit.edu.au/quant/Excel/Excel_Tips.pdf.

Applicant respectfully contends that Flaherty cannot be used as a reference to reject claims 1-2 and 7-24 under 35 U.S.C. § 102(e), because Flaherty is not a patent or a published patent application. Flaherty is merely information published on an Internet website.

In a telephonic interview held on 08/16/2006 between the Examiner and Applicant's representative, agreement was reached that the Examiner would issue a subsequent non-final office action in which the aforementioned Flaherty reference would not be employed. Nonetheless, Applicant next traverses the existing rejection of claims 1-2 and 7-24 under 35 U.S.C. § 102(e) based on the aforementioned Flaherty reference.

In addition, Applicant respectfully contends that Flaherty does not anticipate claim 1, because Flaherty does not teach each and every feature of claims 1. For example, Flaherty does not teach the feature: "wherein prior to said selecting each sample cell contains a sample value ...; after said selecting, ordering the sample cells ...; and after said ordering, processing the empty cells comprising ... computing the value y_i of the empty cell according to the values y_{previous} contained in the selected one or plurality of previous sample cells, and the values y_{next} contained in the selected one or plurality of next sample cells."

In "Response to Arguments" the Examiner states: "Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5,

"Entering a Data Series". In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified.”.

In response, Applicant respectfully contends that in claim 1, the step of processing the empty cells is performed after each sample cell contains a value and is in the spreadsheet. Moreover, the “contained in” language in the feature “computing the value y_i of the empty cell according to the values y_{previous} **contained in** the selected one or plurality of previous sample cells, and the values y_{next} **contained in** the selected one or plurality of next sample cells” makes it clear that the value y_i computed for each empty cell utilized values y_{previous} and y_{next} are actually contained in the respective previous and next sample cells.

In contrast, in the example in pages 4-5 of Flaherty, Step 1 fills the cell A1 with the starting value of 10. Step 2 enters the step value of 5 and the stop value of 90 into a dialog box shown in the Figure at the top of page 5 of Flaherty. Since the dialog box is merely on the computer screen and is not comprised by cells of the spreadsheet, the stop value of 90 is not contained in any cell of the spreadsheet in Step 2. Step 3 selects the Fill command which generates the filled-in cells A1, A2, ..., A17 shown in the Figure at the top of page 5 of Flaherty.

Flaherty does not disclose an algorithm for generating the filled-in cells A1, A2, ..., A17 shown in the Figure at the top of page 5 of Flaherty. Therefore, Flaherty does not disclose computing a value for any of the empty cells A2, ..., A17 according to a value (y_{previous}) contained in a previous cell and a value (y_{next}) contained in a next cell. In fact, a simple algorithm to fill in the empty cells for the Flaherty’s example is to use **only previous cell values** by using such C-language code as: for ($i = 2 ; i=18; i++$) $A_i = A_{i-1} + 5;$. In any event, Flaherty does not teach using

an algorithm that uses both previous and next cell values, that are contained in the respective previous and next cells, for computing and filling the empty cells A2, ..., A17.

Based on the preceding arguments, Applicant respectfully maintains that Flaherty does not anticipate claim 1, and that claim 1 is in condition for allowance. Since claims 2 and 7-24 depend from claim 1, Applicant contends that claims 2 and 7-24 are likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457.

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